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Attorney For Plaintiffs,  
DAREN HEATHERLY and  
IRMA RAMIREZ

UNITED STATES DISTRICT COURT  
DISTRICT OF CALIFORNIA

DAREN HEATHERLY and  
IRMA RAMIREZ

Plaintiffs,

v.

O'DONNELL'S FAIRFAX NURSERY;  
LINDSAY PAUL O'DONNELL; and  
O'DONNELL ENTERPRISES, INC., a  
California Corporation dba  
O'DONNELL'S FAIRFAX NURSERY

Defendants.

CASE NO. 4:14-cv-02473-KAW

## **STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action  
2 through their designated counsel that the above-captioned action become and hereby is  
3 dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute  
5 one original document.

6  
7 Dated: November 10, 2014

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

9  
10 By: /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
11 Attorney For Plaintiffs , DAREN HEATHERLY  
and IRMA RAMIREZ

12  
13 Dated: November 10, 2014

**ALLMAN & NIELSEN PC**

14 Approval given  
15 11/10/14

16 By: /s/ Sara B. Allman  
Sara B. Allman  
17 Attorney for Defendants LINDSAY PAUL  
O'DONNELL; and O'DONNELL ENTERPRISES,  
18 INC., a California Corporation dba O'DONNELL'S  
FAIRFAX NURSERY

19  
20 **ORDER**

21 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
22 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
23 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
24 enforcement be necessary

25 Dated: 11/12, 2014

26  
27   
Honorable Magistrate Kandis A. Westmore  
28 UNITED STATES DISTRICT JUDGE